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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/414,590	10/08/1999	K. Scott Ramey	03384.0374	3561
33000	7590	02/15/2006	EXAMINER	
DOCKET CLERK P.O. DRAWER 800889 DALLAS, TX 75380			DONAGHUE, LARRY D	
			ART UNIT	PAPER NUMBER
			2154	
DATE MAILED: 02/15/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/414,590

Applicant(s)

RAMEY ET AL.

Examiner

Larry D. Donaghue

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/05/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 67-90 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 67-86 and 90 is/are allowed.
- 6) ☒ Claim(s) 87-89 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 67-90 are presented for examination.
2. The provisional double patenting rejection is withdrawn.
3. Claims 67-86 and 90 are allowed.
4. The rejection of claims 87-89 is maintained and set forth below.
5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 87-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood WO 98/18283 in view of the Java Telephony API: An Overview, version 1.1, pp. 1-41, January 28, 1997, hereinafter the "Java Telephony API."

The Wood WO 98/18283 reference was cited in paper 8.

Regarding claim 89, Wood teaches the invention substantially as claimed by disclosing a system comprising: A digital computer containing a communication circuit for enabling a legacy call server to communicate with a web application (Fig. 1 elem. 22 web facility; more specifically Fig. 2 elems. 30 and 32); A circuit for using the web application to control the legacy call server (Fig. 1 elem. 22 web facility; more specifically Fig. 2 elems. 30 and 32); A circuit for enabling a legacy telephone device to communicate with the web application (Fig. 1 elems. 26 SCI and 16 telephone switch; page 8, lines 6-17).

Wood does not explicitly teach using the web application to control the legacy telephone and a telephony device wrapper having a second web application program interface and a telephony device interface for enabling the web application to communicate with the legacy telephony.

The Java Telephony API on the other hand teaches using the web application to control a legacy telephone and a telephony device wrapper having a second web application program interface and a telephony device interface for enabling the web application to communicate with the legacy telephony device (p. 1 implementation of 1 JTAPI on top of proprietary hardware; p. 8 terminal object; p. 25 java.telephony.phone package; pp. 27-41 showing various functions of the phone controlled by the java.telephony.phone API).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Java Telephony API's teachings regarding the control of a telephone terminal with the system of Wood based on Wood's explicit suggestion to use the Java Telephony Toolkit (Page 5, lines 1-6).

As to claims 86 and 87, they are the corresponding method and means plus function claims to the apparatus claim of 89, and are rejected for similar rational.

6. Applicant's arguments filed 12/05/2005 have been fully considered but they are not persuasive.

Applicant argues Applicant submits that the Java Telephony API appears to describe the JTAPI operating on a network computer that interfaces with other Java applications also residing on the network computer. Java Telephony API, page 4. Thus, the JTAPI does not appear to interface with a web application on a web server located across an IP network. Therefore, the Wood-Java Telephony API combination does not disclose, teach or suggest each and every element of the claims.

In response

Please note figure 1, page 4 and the corresponding discussion on page 3.

Applicant further submits that there is no motivation or suggestion to combine Java Telephony API (JTAPI) with Wood. The Office Action ,argues that Wood teaches using JTAPI, however, Wood teaches using JTT (Java Telephony Toolkit) not JTAPI. See, Wood, page 5, lines 1-11. In addition.

In response

JTAPI is a Java Telephony Toolkit.

Applicant argues Wood teaches that the JTT protocol is used with the interface between the telephone switch 16 and the web facility 22, not for use between the web application and the legacy telephone, as recited by the Applicant.

7. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

8. Further, the claims require a telephone device , not a telephone.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following reference disclose similar system to the claimed invention.

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Anjum et al.	US2001/0028654
Greenberg	US 6,791,974
Edwards et al.	US 6,400,820

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

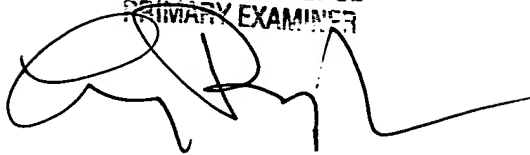
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry D. Donaghue whose telephone number is 571-272-3962. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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LARRY D. DONAGHUE
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'LDD', is written over the printed name and title.